

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AUTOMOTIVE TECHNOLOGIES, INC.,

Plaintiff,

- v -

WIRELESS ZONE PLUS, et al.,

Defendants.
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MEMORANDUM

CV-05-3769 (NGG)(VVP)

At a conference in this matter today, the court heard further facts and argument in support of the plaintiff's motion for various post-judgment relief, including a writ of assistance, a judgment of contempt and sanctions. Although the court initially indicated that it would issue a report and recommendation that a writ of assistance be issued directing the Marshals Service to remove infringing signs and other materials from the defendant's premises, upon further consideration the court has determined that the issuance of an order to show cause is a more appropriate means of proceeding at this point. Accordingly, the court will issue an order to show cause requiring the defendants to appear before the magistrate judge to explain their non-compliance.

Although the plaintiff indicated at the conference that they were prepared to withdraw, without prejudice, their application for a judgment of contempt and for other sanctions, that was premised on the court's willingness to recommend the immediate issuance of a writ of assistance. Since that recommendation is not being made, the plaintiff is not held to its offer to withdraw their application for those other remedies and may pursue them at the hearing on the order to show cause.

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
January 19, 2007